

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Antoine Donshea Davis

Docket No. 4:07-CR-70-1D

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Antoine Donshea Davis, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on January 13, 2009, to the custody of the Bureau of Prisons for a term of 132 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On December 29, 2014, pursuant to an Order regarding the government's motion to reduce sentence pursuant to Rule 35(b)(1), Davis' sentence was reduced to 102 months custody.

Antoine Donshea Davis was released from custody on July 10, 2015, at which time the term of supervised release commenced. On June 9, 2016, a Petition for Action on Supervised Release was filed that noted the defendant tested positive for marijuana on May 25, 2016. On June 14, 2016, the court concurred with the recommendation of the probation officer to have Davis complete 2 days custody in the Bureau of Prisons and participation in the DROPS Program. The defendant completed his period of incarceration on July 10, 2016.

On October 13, 2016, a Petition for Action on Supervised Release was filed that the defendant was arrested in Pitt County, North Carolina, for Driving While Impaired (16CR56914), Possession of an Open Container/Consumption of Alcohol in Passenger Area, and Impede Traffic by Slow Speed (16IF706325). On October 14, 2016, the court concurred with the probation officer to have Davis return for alcohol abuse counseling and complete 30 days of Location Monitoring, which successfully concluded on November 23, 2016.

On December 9, 2016, a Petition for Action on Supervised Release was filed advising the court of the defendant's arrest in Lenoir County, North Carolina, for Driving While Impaired (16CR52521), Possession of an Open Container/Consumption of Alcohol in Passenger Area (16IF703110), Driving While License Revoked, and Speeding (16CR704954). The defendant was accepted in the STAR Court program and additional conditions of supervision, including participation in the program and participation in the cognitive behavioral program were added.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On February 9, 2017, the defendant entered the STAR Court Program. In light of his history of alcohol abuse, the defendant will be monitored for alcohol use in addition to regular drug testing. As such, additional conditions including alcohol abstinence and participation in the Remote Alcohol Monitoring Program are needed. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose

primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: February 23, 2017

ORDER OF THE COURT

Considered and ordered this 24 day of February, 2017, and ordered filed and made a part of the records in the above case.

James C. Dever
James C. Dever III
Chief U.S. District Judge